



Order Filed on September 9, 2020
by Clerk,
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEW JERSEY

McCABE, WEISBERG & CONWAY, LLC
By: Lauren M. Moyer, Esq. (Atty.
I.D.#LMM2332)
216 Haddon Avenue, Suite 201
Westmont, NJ 08108
856-858-7080
Attorneys for Movant: NewRez LLC d/b/a
Shellpoint Mortgage Servicing

IN re:

Yakima D Smith
Debtor

Case No.: 18-23262-SLM
Chapter: 13
Hearing Date: July 8, 2020
at 10:00 a.m.
Judge: Stacey L. Meisel

Recommended Local Form



Followed



Modified

**ORDER RESOLVING MOTION TO VACATE STAY
WITH CONDITIONS**

The relief set forth on the following pages, numbered two (2) through three (3) is
hereby **ORDERED**

DATED: September 9, 2020

A handwritten signature in cursive script that reads "Stacey L. Meisel".

Honorable Stacey L. Meisel
United States Bankruptcy Judge

Applicant: NewRez LLC d/b/a Shellpoint Mortgage Servicing
Applicant's Counsel: Lauren M. Moyer, Esq.
Property Involved ("Collateral") 75 Boylan Street, Newark, New Jersey 07106

Relief Sought: ☒ Motion for relief from the automatic stay
☐ Motion to dismiss
☐ Motion for prospective relief to prevent imposition of automatic stay
against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that the Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

- ☒ The Debtor is overdue for five months, from February 1, 2020 to June 1, 2020.
- ☒ The Debtor is overdue for five payments at \$1,403.76 per month.
- ☒ The Debtor is credited with a suspense balance in the amount of \$1,247.80.
- ☒ Applicant acknowledges receipt of funds in the amount of \$1,000.00 received after the motion was filed.

Total Arrearages Due: \$4,771.00

2. Debtor must cure all post-petition arrearages, as follows:

- ☒ Immediate payment shall be made in the amount of \$1,000.00. Payment has already been tendered by the Debtors.
- ☒ Debtor shall cure remaining post-petition arrears in the amount of \$4,771.00 on or before July 31, 2020.
- ☒ Beginning on July 1, 2020, regular monthly mortgage payment shall continue to be made in the amount of \$1,403.76.
- ☐ Beginning on _____, additional monthly cure payments shall be made in the amount of \$_____ for _____ month(s).
- ☐ The amount of \$_____ shall be capitalized in the debtor's Chapter 13 plan.

The mortgagee's allowed secured claim shall be amended to include the capitalized post-petition payments listed in this Order to the Proof of Claim as filed. As a result of such capitalization, the Standing Chapter 13 Trustee shall adjust his/her records accordingly and make revised disbursements.

3. Payments to the Secured Creditor shall be made to the following address(es):

- | | | |
|--------------------------|--------------------------|--|
| <input type="checkbox"/> | Immediate payment: | NewRez LLC d/b/a Shellpoint Mortgage Servicing
P.O. Box 10826
Greenville, South Carolina 29603 |
| <input type="checkbox"/> | Regular monthly payment: | Same as above |
| <input type="checkbox"/> | Monthly cure payment: | Same as above |

4. In the event of Default:

☒ If the Debtor fails to make the immediate payment specified above or fails to make any regular monthly payment or the additional monthly cure payment within thirty (30) days of the date the payments are due, then the Secured Creditor may obtain an Order Vacating the Automatic Stay as to the Collateral by filing, with the Bankruptcy Court, a Certification specifying the Debtor's failure to comply with this Order. At the time the Certification is filed with the court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtor and the Debtor's attorney.

☒ If the bankruptcy case is dismissed, or if the automatic stay is vacated, the filing of a new bankruptcy case will not act to impose the automatic stay against the Secured Creditor's opportunity to proceed against its Collateral without further Order of the Court.

5. In the event the Debtor converts his/her case to a Chapter 11, the terms of the Order shall remain in full force and effect. In the event that the Debtor converts his/her case to a Chapter 7, Debtor shall cure all pre-petition and post-petition arrears within ten (10) days of conversion. Failure to cure the arrears shall constitute an event of default under this Order and Movant may certify default as set forth in paragraph 4 of this order.

6. Award of Attorneys' Fees:

☒ The Applicant is awarded attorney fees of \$350.00 and costs of 181.00.

The fees and costs are payable:

☒ through the Chapter 13 plan.

Certificate of Notice Page 4 of 4

United States Bankruptcy Court
District of New JerseyIn re:
Yakima D Smith
DebtorCase No. 18-23262-SLM
Chapter 13**CERTIFICATE OF NOTICE**

District/off: 0312-2

User: admin
Form ID: pdf903Page 1 of 1
Total Noticed: 1

Date Rcvd: Sep 09, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Sep 11, 2020.

db +Yakima D Smith, 75 Boylan St, Newark, NJ 07106-1811

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Sep 11, 2020

Signature: /s/Joseph Speetjens**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on September 9, 2020 at the address(es) listed below:

Alexandra T. Garcia on behalf of Creditor Ditech Financial LLC NJECFMAIL@mwc-law.com,
nj-ecfmail@ecf.courtdrive.com
David G. Beslow on behalf of Debtor Yakima D Smith yrodriguez@goldmanlaw.org,
yrodriguez.knight29@gmail.com;ecf-control@goldman-beslow.com;r64764@notify.bestcase.com
Denise E. Carlon on behalf of Creditor Ditech Financial LLC dcarlon@kmlawgroup.com,
bkgroup@kmlawgroup.com
Harold N. Kaplan on behalf of Creditor NewRez LLC d/b/a Shellpoint Mortgage Servicing
hkaplan@rasnj.com, informationathnk@aol.com
Lauren Moyer on behalf of Creditor NewRez LLC d/b/a Shellpoint Mortgage Servicing
lmoyer@mwc-law.com, nj-ecfmail@ecf.courtdrive.com
Lauren Moyer on behalf of Creditor Ditech Financial LLC lmoyer@mwc-law.com,
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yrodriguez.knight29@gmail.com;ecf-control@goldman-beslow.com;r64764@notify.bestcase.com
Melissa S DiCerro on behalf of Creditor Ditech Financial LLC nj-ecfmail@mwc-law.com,
nj-ecfmail@ecf.courtdrive.com
Rebecca Ann Solarz on behalf of Creditor Ditech Financial LLC rsolarz@kmlawgroup.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 11